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10/583,824	07/26/2007	Mark La Pensee	061608-0310	4929
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EXAMINER				
BOUKNIGHT, STEVEN M				
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4121				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/583,824

**Applicant(s)**

LA PENSEE, MARK

**Examiner**

STEVEN BOUKNIGHT

**Art Unit**

4121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2007.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-13 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 21 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-893)  
Paper No(s)/Mail Date 06/21/2008  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Construction***

Claim(s) 1, 4, 5, 9, 10 and 13 are not construed under 112, 6<sup>th</sup> paragraph because the "synchronization means" of claims 1, 5 and 10 and "means" of claims 4, 9 and 13 do not include a corresponding "for" modifier.

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Appropriate correction is required.

The disclosure is objected to because it does not provide support for enabling a person of ordinary skill in the art to perform the limitations of claims 1, 5 and 10 which recite "the client device and the server device being arranged such that a user of the devices cannot create subfolders within the first or second folders", "the device is adapted to prevent a user from creating subfolders within the first folder", "the client device and the server device are adapted to prevent a user of the devices from creating subfolders within the first or second folders".

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim(s) 1, 5 and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description and enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention nor as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1, 5 and 10 recite "the client device and the server device being arranged such that a user of the devices cannot create subfolders within the first or second folders", "the device is adapted to prevent a user from creating subfolders within the first folder", "the client device and the server device are adapted to prevent a user of the devices from creating subfolders within the first or second folders". However, the specification fails to give sufficient support of enabling one ordinarily skilled in the art of carrying out the corresponding limitations. Simply reciting that a "user's modification of folder names and folder paths can be restricted by the appropriate design of a user interface" is not enough to provide enablement.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim(s) 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mousseau et al. (US 20020120696), further in view of Schwitters et al. (US 20020099719), hereinafter referred to as Mousseau and Schwitters respectively.

With regard to claim 1, Mousseau teaches A method for synchronising data between a client device and a server device, at least one of the client device and the server device having synchronisation means, the method comprising: defining a first folder in a memory of the client device (see paragraph 100, wherein folders are stored on a mobile device); defining a second folder in a memory of the server device (see paragraph 100, wherein folders are stored on a host system); storing in the first folder data items of a certain type to be synchronized from the client device (see paragraph 0009, wherein data items are stored in a folder on a mobile device and synchronized); storing in the second folder data items of the same type to be synchronized from the server device (see paragraph 0009 wherein data items are replicated from the mobile device and stored in a host system and synchronized); and associating with each data item stored in the first and second folders an identifier for identifying the item (see paragraph 100, wherein a data item such as messages includes a message ID); and the synchronisation means being adapted to synchronise data items in the first and second folders on connection of the client device to the server device (see bottom of paragraph 0099, wherein synchronization occurs by plugging the mobile device into an interface cradle coupled to the host system).

However, the Mousseau reference does not teach wherein the client device and the server device being arranged such that a user of the devices cannot create

subfolders within the first or second folders. Schwitters does teach such a limitation. According to Schwitters, in a hierarchical folder structure, the folder module might limit or control the number and type of folder hierarchies a user can create in a device (see bottom of paragraph 0049). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined the teachings of Mousseau and Schwitters to limit the number of hierarchical folders a user can create, wherein the limit could be a predetermined value, so that a user of the device would not be allowed to create any additional subfolders based on that limit. Limiting a user from creating subfolders would have restricted a user from forming different names or renaming each subfolder and in turn would have reduced the risk of preventing synchronization since a hierarchical file system has the drawback of not being able to track when a folder has been renamed.

With regard to claim 2, the Mousseau reference in combination with the Schwitters reference as applied above teaches a method as claimed in claim 1 wherein the first and second folders are respectively parts of file systems within the client device and the server device (see paragraph 0009 wherein the folders stored in the host system and mobile device are parts of a hierarchy of folders file system stored on each) and the file systems are such that any type of data can be stored in such a way that it can be synchronised on connection of the client device to the server device (see paragraph 0170 wherein data items stored on the device can include but are not limited to e-mail, calendar events, appointments etc., and synchronized between the device and host system).

With regard to claim 3, the Mousseau reference in combination with the Schwitters reference as applied above teaches a methods as claimed in claim 1 wherein each data item identifier is unique within the client and server devices (see paragraph 0100 wherein the message ID is a unique tag for each message within each device).

With regard to claim 4, the Mousseau reference in combination with the Schwitters reference as applied above teaches a method as claimed in claim 1 wherein a data item stored in the first folder or the second folder is associated with a corresponding data item stored in the second folder or the first folder respectively by means of the identifier of the data item (see paragraph 0102 wherein the message IDs of the stored messages on the host system are matched with the message IDs of the messages stored on the mobile device).

With regard to claim 5, the Mousseau reference teaches A device for storing data, the device comprising a memory having a first folder (see paragraphs 0009 wherein a host system includes a primary memory store [see paragraph 0013] where data items are stored and data items are stored in a folder), wherein: the first folder comprises data items of a certain type to be synchronized with a remote device, each data item having an associated identifier for identifying the item (see paragraph 0009, wherein data items are stored in a folder on a host system and synchronized; and paragraph 100 wherein a data item such as messages includes a message ID); and synchronisation means within the device or the remote device are adapted to synchronise data items in the first folder with the remote device on connection of the

device to the remote device (see bottom of paragraph 0099, wherein synchronization occurs by plugging the mobile device into an interface cradle coupled to the host system).

However, the Mousseau reference does not teach wherein the device is adapted to prevent a user from creating subfolders within the first folder. Schwitters does teach such a limitation. According to Schwitters, in a hierarchical folder structure, the folder module might limit or control the number and type of folder hierarchies a user can create in a device (see bottom of paragraph 0049). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined the teachings of Mousseau and Schwitters to limit the number of hierarchical folders a user can create, wherein the limit could be a predetermined value, so that a user of the device would not be allowed to create any additional subfolders based on that limit. Limiting a user from creating subfolders would have restricted a user from forming different names or renaming each subfolder and in turn would have reduced the risk of preventing synchronization since a hierarchical file system has the drawback of not being able to track when a folder has been renamed.

With regard to claim 6, the Mousseau reference in combination with the Schwitters reference as applied above teaches the device according to claim 5 wherein the synchronising means are adapted to synchronise data items in the first folder with corresponding data items stored in a second folder in the memory of the remote device (see paragraph 0009 wherein data items are synchronized between the host system and the mobile device).



With regard to claim 7, the Mousseau reference in combination with the Schwitters reference as applied above teaches the device according to claim 5 wherein the first folder is a part of a file system within the device and the file system is such that any type of data can be stored in such a way that it can be synchronised with the remote device on connection of the device to the remote device (see paragraph 0009 wherein the folders stored in the host system are parts of a hierarchy of folders file system; and paragraph 0170 wherein data items stored on the device can include but are not limited to e-mail, calendar events, appointments etc., and synchronized between the device and host system).

With regard to claim 8, the Mousseau reference in combination with the Schwitters reference as applied above teaches the device according to claim 5 wherein each data item identifier is unique within the device (see paragraph 0100 wherein the message ID is a unique tag for each message within each device).

With regard to claim 9, the Mousseau reference in combination with the Schwitters reference as applied above teaches the device according to claim 5 wherein a data item stored within the first folder is associated with a corresponding data item stored in the remote device by means of the identifier of the data item (see paragraph 0102 wherein the message IDs of the messages stored on the host system are matched with the message IDs of the messages stored on the mobile device).

With regard to claim 10, the Mousseau reference teaches a system comprising: a client device comprising a memory having a first folder, the first folder comprising data items of a certain type to be synchronised from the client device (see paragraph 0009

and 0099 wherein data items such as messages are stored in a folder in a mobile device memory [see paragraph 0074] and synchronized); a server device comprising a memory having a second folder, the second folder comprising data items of the same type to be synchronised from the server device (see paragraph 0009 wherein data items replicated from the mobile device are stored in a folder on a memory of the host system [see paragraph 0013] and synchronized); and synchronisation means within at least one of the client device and the server device (see paragraph 0009 wherein synchronization is implemented using software operating on the host system and mobile device); wherein each data item in the first and second folders is associated with an identifier for identifying the data item (see paragraph 0100 wherein data items such as messages each include a message ID); and the synchronisation means are adapted to synchronise data items in the first and second folders on connection of the client device to the server device (see bottom of paragraph 0099, wherein synchronization occurs by plugging the mobile device into an interface cradle coupled to the host system).

However, the Mousseau reference does not teach wherein the client device and the server device are adapted to prevent a user of the devices from creating subfolders within the first or second folders. Schwitters does teach such a limitation. According to Schwitters, in a hierarchical folder structure, the folder module might limit or control the number and type of folder hierarchies a user can create in a device (see bottom of paragraph 0049). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined the teachings of Mosseau and Schwitters to limit the number of hierarchical folders a user can create, wherein the

limit could be a predetermined value, so that a user of the device would not be allowed to create any additional subfolders based on that limit. Limiting a user from creating subfolders would have restricted a user from forming different names or renaming each subfolder and in turn would have reduced the risk of preventing synchronization since a hierarchical file system has the drawback of not being able to track when a folder has been renamed.

With regard to claim 11, the Mousseau reference in combination with the Schwitters reference as applied above teaches a system according to claim 10 wherein the first and second folders are respectively parts of file systems within the client device and the server device (see paragraph 0009 wherein the folders stored in the host system and mobile device are parts of a hierarchy of folders file system stored on each) and the file systems are such that any type of data can be stored in such a way that it can be synchronised on connection of the client device to the server device (see paragraph 0170 wherein data items stored on the device can include but are not limited to e-mail, calendar events, appointments etc., and synchronized between the device and host system).

With regard to claim 12, the Mousseau reference in combination with the Schwitters reference as applied above teaches a system according to claim 10 wherein each data item identifier is unique within the client and server devices (see paragraph 0100 wherein data items such as messages each include a unique message ID within each device).

With regard to claim 13, the Mousseau reference in combination with the Schwitters reference as applied above teaches a system according to claim 10 wherein a data item stored in the first folder or the second folder is associated with a corresponding data item stored in the second folder or the first folder respectively by means of the identifier of the data item (see paragraph 0102 wherein the message IDs of the messages stored on the host system are matched with the message IDs of the messages stored on the mobile device).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Buchanon (US 5,758,355), Lazaridies et al. (US 6,219,698), Mousseau et al. (US 20020120696), Brown et al. (US 20020194205), Sutinen et al. (US 6,839,564), Kiiskinen (US 6,920,486), Schultz et al. (US 20070016632), Mau (US 7,222,139), Schinoja et al. (US 7,269,821), Rapakko et al. (US 7,308,642), Koskimies (US 7,376,697) all teach data synchronization between two devices. Novak et al. (US 20040267825), Berry et al. (US 6,466,238) and Schwitters et al. (US 20020099719) all teach user operations when creating folders.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN BOUKNIGHT whose telephone number is (571)270-5701. The examiner can normally be reached on Monday-Thursday and alternative Fridays from 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Robertson can be reached on (571)272-4186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. B./  
Examiner, Art Unit 4121

/DAVID L. ROBERTSON/  
Supervisory Patent Examiner  
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